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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,750	10/17/2003	Paul J. Mollinger	CPS1540-241	1991

8698 7590 03/24/2006  
STANDLEY LAW GROUP LLP  
495 METRO PLACE SOUTH  
SUITE 210  
DUBLIN, OH 43017

EXAMINER

ROBERTSON, TIARA S

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/688,750

Applicant(s)

MOLLINGER ET AL.

Examiner

Tiara S. Robertson

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/15/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Attached Drawing.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1-16, and 18-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,321,500 to Manning et al. in view of U.S. Patent No. 4,492,064 to Bynoe.

Regarding claims 1-9 and 25, Manning et al. discloses, in figure 4, a paneling unit comprising a cover portion (30) having an attachment strip (32), and a backing portion having a bottom portion in a rear side defining a channel (20). Manning et al. discloses a foam backing panel with a solid surface but does not disclose that the panel has groove members. Bynoe discloses roofing panels that consist of hydraulically connected drainage and connector grooves (see fig. 1, and Col. 4, lines 30-63). Where each of the drainage and connector grooves are for the drainage of liquid and extend from one edge of the backing portion to another and where the connector and drainage grooves on the first portion of the backing system form at least a segment of a continuous connector groove with a surface of an adjacent backing portion when installed adjacent to a structure covered by a panel unit. It would have been obvious to one skilled in the art to

modify the backing panels of Manning et al. to include drainage and connector grooves. One would have been motivated to make such a modification to allow moisture drainage and to aid in the evaporation of moisture through the insulation panels to the outside atmosphere.

Regarding claims 10 and 12, Manning et al., as modified, discloses a paneling unit where the orientation of the drainage grooves are generally downward relative to an installed position of the paneling unit and the connector groove is approximately horizontal along a length of the plurality of drainage grooves.

Regarding claims 15-16 and 18-20, Manning et al., as modified, discloses a paneling unit as described in claim 1 where the backing portion is comprised of a foam made of expanded or extruded polystyrene (Col. 2; lines 11-13) and where the cover portions is comprised of a plastic, vinyl, or plastic vinyl material including a cellulosic filler (Col. 2; lines 19-30). Although Manning et al does not disclose that the cover portion comprises cellulosic filler, it is known to one having ordinary skill in the art that thermoplastics include cellulose.

Regarding claims 21-23, Manning et al., as modified, discloses a panel unit as described in claim 1 where the cover portions substantially abuts and wraps around a tip of the backing portion adjacent to the attachment strip (see attached drawing). Where the attachment strip is a nailing strip and is substantially in the same plane as a rear side of the backing portion (32 on fig. 4).

Regarding claims 11 and 13-14, the applicant claims specific dimensions for the drainage and connector grooves on the backing portion. The dimensions claimed

appear to be a design choice developed by basic engineering practices and not a critical aspect of the claimed invention. Therefore it would have been obvious to one skilled in the art to orientate the drainage grooves approximately 30° from vertical along a length of the said plurality of drainage grooves and to have grooves dimensioned at approximately .0625 inches deep and .01875 inches wide.

3. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Manning et al. in view of Bynoe as applied to claims 1 and above, and further in view of Phillips et al.

Regarding claim 17, Manning et al. in view of Bynoe discloses a paneling system as described in claims 1 and 12 but does not disclose that the foam backing comprises a chemical adapted to repel insects or bugs. Phillips et al. disclose a foam backing member comprising an aliphatic and/or aromatic polyurea spray to prevent insects from entering the substrate. It would be obvious to one having ordinary skill in the art to apply a layer of the spray as specified by Phillips et al. to the foam member of Manning et al., as modified, to prevent insects from infesting the foam layer of the panel unit.

### ***Conclusion***

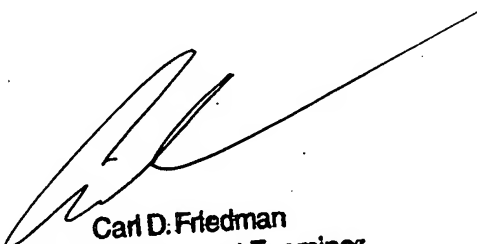
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tiara S. Robertson whose telephone number is 571-272-2944. The examiner can normally be reached on Monday-Thursday, 7-4:30pm.

Art Unit: 3635

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TSR  
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3/17/06



Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600

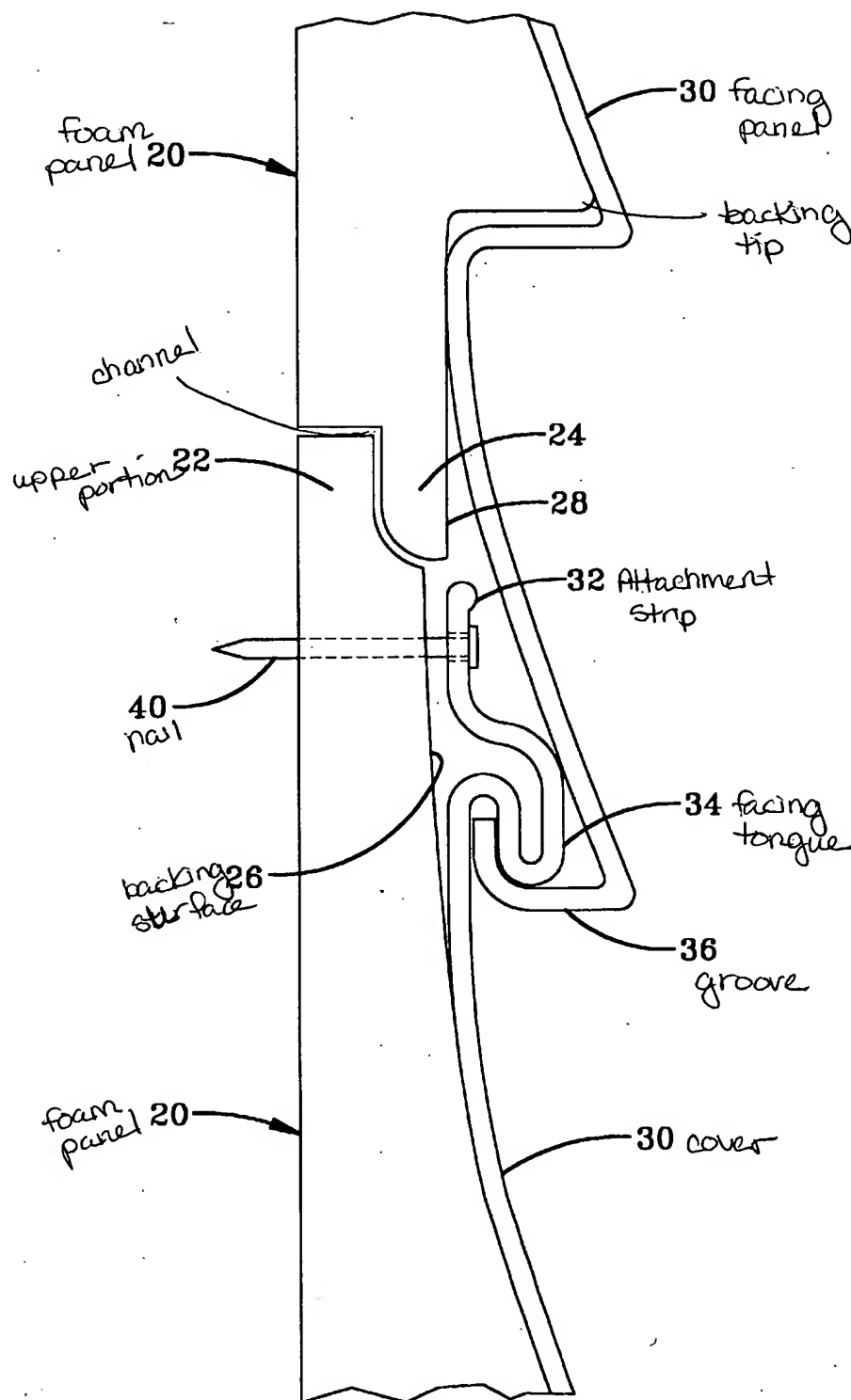


FIG-4